



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



STEVEN E. CHESTER  
DIRECTOR

TO: Registered Water Well Drilling and Pump Installation Contractors  
Local Health Departments

FROM: Michael Gaber, Chief  
Well Construction Unit  
Drinking Water and Environmental Health Section  
Water Bureau

DATE: September 5, 2007

SUBJECT: Part 317 of the Natural Resources and Environmental Protection Act  
Groundwater Dispute Resolution

The Michigan Department of Environmental Quality (DEQ) implemented Part 317 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended on August 29, 2003. Part 317 established the Groundwater Dispute Resolution Program (GDRP) which investigates and resolves disputes arising from the impacts of high capacity wells on small quantity wells. If a small quantity well (less than 70 gallons per minute [gpm] pumping capacity) fails to produce its normal supply of water or fails to produce potable water and the owner has credible reason to believe the well problem was caused by a high capacity well (70 gpm capacity or more), a complaint can be filed with the state. Complaints are filed with the DEQ. If the complaint involves an agricultural high capacity well, the DEQ sends the complaint to the Michigan Department of Agriculture (MDA) for investigation. The investigation will determine if the problem is caused by the lowering of groundwater levels by a high capacity well. If the high capacity well is responsible for the small quantity well failure, a resolution such as the restoration or replacement of the small quantity well or connection to a municipal water system, with the high capacity well owner paying/reimbursing the complainant for costs, will occur.

The GDRP staff has investigated 92 complaints, resolved 37, and closed 40 without resolution. The following two factors contributed to most of the complaint closures:

- The complaint was not filed within the timeframe allotted under the law.
- The information (static water level, diagnosis of the well and pumping equipment) necessary to determine the cause of the failure was unobtainable due to the impacted well being plugged when a replacement well was drilled.

Part 317 states that reasonable compensation under a resolution for a small quantity well owner includes the reimbursement of expenses incurred beginning 30 days prior to the date on which the complaint is made. Under normal circumstances, an affected small quantity well owner only has 30 days from the time a new/upgraded well is placed into service to file a complaint. If you suspect that a well owner may have the ability to recover expenses under Part 317, please provide our toll-free number (866-709-0019) expeditiously and make potential complainants aware of the time limit.

The DEQ requires the small quantity well owner to provide a written assessment as part of the investigation. The written assessment is performed by a well drilling contractor and supplies the static water level, type of pump and equipment, and indicates the reason(s) for well failure. The goal of the assessment is to determine that the reported well failure is not due to a mechanical malfunction (plugged screen, faulty pump, leak, etc.). In some cases, removal of packer jets, drawdown seals, and pump drop pipe is necessary.

Complaints are often resolved through voluntary cooperation with the high capacity well owner. If the high capacity well owner does not willingly resolve the complaint, the DEQ may issue an order for the complainant to obtain funds related to water supply restoration. Without the completion of the written assessment, an order cannot be issued by the DEQ. Please ensure that the well owner is aware that the collection of written assessment data must occur before well plugging. A copy of the DEQ, Water Supply Assessment Form, which is used to complete the written assessment, is attached.

The DEQ, Well Construction Unit, is willing to provide information about the GDRP and Part 317 at well drilling contractor and local health department staff meetings. The DEQ appreciates your cooperation in making the program a success.

If you have questions, feel free to contact Mr. David DeYoung at 517-241-1409, [deyoungd@michigan.gov](mailto:deyoungd@michigan.gov), or you may contact me at 517-241-1374, or [gaberm@michigan.gov](mailto:gaberm@michigan.gov).

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Attachment

cc: Michael Gregg, MDA  
Abigail Eaton, MDA  
James K. Cleland, DEQ  
Wm. Elgar Brown, DEQ  
Dave DeYoung, DEQ